

08-9679

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOULDER OAKS COMMUNITY
ASSOCIATION, A NEVADA
CORPORATION, D/B/A RED
MOUNTAIN RV RESORT,
Appellant,

vs.

B & J ANDREWS ENTERPRISES, LLC,
A NEVADA LIMITED LIABILITY
COMPANY, D/B/A BOULDER OAKS RV
RESORT,
Respondent.

No. 46010

FILED

APR 18 2008

TRACIE K. KINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER WITHDRAWING OPINION AND DIRECTING SUPPLEMENT
AND ANSWER TO PETITION FOR REHEARING

This is a petition for rehearing of our November 1, 2007, opinion resolving an appeal from a district court order that granted a preliminary injunction in a real property action.

Having reviewed the petition for rehearing, we conclude that an answer is warranted and that supplemental briefing will assist this court in resolving this matter.¹ Accordingly, appellant shall have fifteen days from the date of this order to file and serve a supplement to its rehearing petition that specifically addresses the following issues:

1. Whether § 9.04 of Boulder Oaks Community Association's operative Declaration of Covenants, Conditions, and Restrictions (CC&Rs) violates NRS Chapter 116 by creating a special voting class in violation of NRS 116.2107.

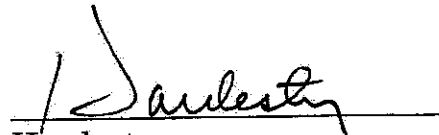
¹See NRAP 40(d).

2. Whether § 5.04 of the CC&Rs is a "management contract" and therefore voidable by the Association pursuant to NRS 116.3105.

3. The scope and applicability of the Uniform Common Interest Ownership Act (UCIOA) as it relates to whether the veto provisions of § 9.04 are enforceable under NRS Chapter 116.

Respondent shall then have fifteen days from the date that appellant's supplement is served to file and serve an answer to the rehearing petition and appellant's supplement. No extensions of time will be provided absent extreme and unforeseen circumstances. Further, we direct the clerk of this court to withdraw our prior opinion from publication pending our resolution of the petition for rehearing.

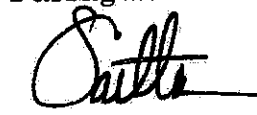
It is so ORDERED.



Hardesty J.



Parraguirre J.



Saitta J.

: Hon. Elizabeth Goff Gonzalez, District Judge
Sterling Law, LLC
Wolf, Rifkin, Shapiro & Schulman, LLP
Bailus Cook & Kelesis
Eighth District Court Clerk